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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: AT&T Wireless Services, Inc. Quarterly Report

In the Matter of Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems

CC Docket No. 94-102

Dear Ms. Dortch

As required by its TDMA Consent Decree[1] and GSM Consent Decree:[2] AT&T Wireless Services, Inc. ("AWS") hereby submits the attached Quarterly Report ("Report") on its progress toward and compliance with the terms and conditions of the TDMA Consent Decree, GSM Consent Decree, and the Commission's E911 rules.

I. AWS TDMA Network

Phase I and Phase II Requests: This Report includes information on all pending requests for Phase I and Phase II E911 service on AWS' TDMA network, including the entity requesting service: the date the request was received, and the status of the request.[3] For Phase I

[1] AT&T Wireless Services, Inc., File No. EB-02-TS-002, NAL/Acct. No. 200232100003, FRN 0003-7665-32, Order, FCC 02-174 (rel. June 18, 2002) ("TDMA Consent Decree").

[2] AT&T Wireless Services. Inc., File No. EB-02-TS-018, NAL/Acct. No. 200232100002, FRN 0003-7665-32, Order, FCC 02-283 (rel. Oct. 9, 2002) ("GSM Consent Decree").

[3] As in previous quarterly reports, AWS has listed pending requests by "requesting entity" (which may include multiple PSAPs) and has listed activated PSAPs by requesting entity and by PSAP. AWS is utilizing this format because when it initially receives a request, it does not know whether each PSAP will actually be ready to receive service by the end of the six-month deployment period. AWS does not obtain this information until late in the deployment process, following call routing decisions by the requesting entity and related testing.

[4] See exhibits 1, 2, 3, and 4.

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PSAP requests that have been pending for over six months, AWS also has included the projected deployment date and a brief description of the reasons for the delay.'

Phase II Service: AWS has contracted with the Grayson Wireless division of Allen Telecom, Inc. ("Grayson") to provide a network-based Phase II location solution for its TDMA network. Grayson has informed the Commission that its technology satisfies the Commission's Phase II accuracy requirements for network-based solutions!

AWS and Grayson have made significant progress towards meeting the TDMA Consent Decree milestones since the last quarterly report. First Office Application ("FOA") testing has been completed successfully for AWS' Lucent and Ericsson infrastructure, thereby validating the interoperability of those vendors' TDMA network infrastructure, Grayson's cell-site-based equipment, Grayson's position determination equipment ("PDE"), Intrado's mobile positioning center ("MPC"), the relevant ALI database, and the serving PSAP's equipment.

AWS has satisfied the first of the TDMA Consent Decree milestones ahead of schedule. Pursuant to paragraph 12(a)(1) of the TDMA Consent Decree, AWS is obligated "[t]o deploy a Phase II compliant technology at a minimum of 1,000 cell sites by November 15, 2002."[7] As of the date of this Report, AWS has deployed its Phase II technology at a total of 1979 cell sites across its TDMA network. AWS also has integrated Phase II TDMA service at 404 cell sites, which are utilized by 50 PSAPs.[8] The successful integration of Phase II service at these PSAPs is the result of extensive cooperation between AWS, its vendors, the PSAPs, state and local 911 authorities, and ILEC representatives.

Despite these successes, however, AWS is facing numerous obstacles as it continues its Phase II E911 compliance efforts. For example, as required by the TDMA Consent Decree, AWS will make all elements of Phase II E911 carrier-provided hardware and software operational and connect those elements to the required third-party database provider (Intrado) for

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5 See exhibit 2. Under the TDMA Consent Decree, AWS is not required to identify the reasons for any delay in providing service in response to a Phase II request or provide a projected deployment date until after March 30,2003. See TDMA Consent Decree at ¶ 14(a).

6 See, e.g., Letter from Eliot J. Greenwald, Swidler Berlin Shereff Friedman, LLP, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 94-102, at 1 (May 7,2001). As set forth in paragraph 12(c) of the TDMA Consent Decree, AWS "is relying on vendor representations in agreeing to the deployment schedule set forth herein and for its belief that a network-based solution will satisfy the Commission's accuracy requirements." TDMA Consent Decree at ¶ 12(c).

7 TDMA Consent Decree at ¶ 12(a)(1).

8 See exhibit 3.

no fewer than 2,000 cell sites in its TDMA network by December 31,2002. AWS and Intrado therefore will be prepared to deliver Phase II location information to the PSAPs associated with those 2,000 or more cell sites by that date. Factors beyond AWS' control, discussed below, could prevent those PSAPs from receiving and utilizing such information, however.

LEC Readiness: As the Commission is well aware: AWS' ability to satisfy its obligations under the TDMA Consent Decree is directly affected by each incumbent LEC's ("ILEC's") ability to support Phase II E911 service. In those areas where the ILEC has completed all of the steps that it must take in order to support Phase II E911 service, AWS is able to deliver Phase II E911 service to PSAPs.[10] Where the ILEC has not completed those tasks, however, there is virtually nothing that either AWS or the requesting PSAPs can do, whether individually or in concert, to deliver location information to PSAPs in that area. AWS currently is experiencing difficulty in the following ILECs' service territories:"

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[9] See Letter from Luisa L. Lancetti, Vice President, Regulatory Affairs – Sprint PCS, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 94-102 (Sept. 9, 2002); Letter from Luisa L. Lancetti, Vice President, Regulatory Affairs – Sprint PCS, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 94-102 (Aug. 13,2002); Letter from John T. Scott, III, Vice President & Deputy General Counsel Regulatory Law, Verizon Wireless, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 94-102, FCC 01-293 (Aug. 19,2002); **"A** Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 911 Service" prepared for the Federal Communications Commission by Dale N. Hatfield (Oct. 15,2002).

[10] The requesting PSAP also must be "capable of receiving and utilizing the data elements associated with the [Phase II] service." See 47 C.F.R. 20.18(j). As described below, AWS' deployment efforts in certain areas also are impacted by continuing PSAP readiness issues.

[11] On September 23,2002, AWS sent letters to each of the ILECs in its service area requesting more detailed information regarding those companies' wireless E911 support status and processes than had been made available in response to the letter from Wireless Bureau Chief Thomas Sugrue requesting information on ILEC E911 deployment. See Letter from Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, FCC, to Glenn S. Rabin, Vice President, Federal Regulatory Affairs, ALLTEL Corporation, CC Docket No. 94-102 (July 29,2002) ("Sugrue Letter"). To date, AWS has received written responses from two of the ILECs (SBC and Qwest) and is attempting to obtain responses from the other companies. While a positive first step, SBC's and Qwest's responses did not provide a detailed description of the steps AWS and the ILEC need to take to ensure implementation of Phase II E911 in the selected cell sites by December 31,2002 and AWS is attempting **to** obtain more complete answers from those ILECs. AWS obtained the information provided above regarding Qwest, BellSouth, and SBC from those companies' responses to the Sugrue Letter, from the companies' responses to AWS' September 23rd letter (in the cases of SBC and Qwest), as well as conversations between AWS and its vendors with various ILEC personnel and other ILEC sources.

Qwest: On October 18,2002, AWS filed an Interim Report with the Commission detailing the effects of Qwest's apparent inability to support Phase II E911 service." As AWS explained, Qwest's actions have delayed AWS' FOA testing of the Grayson technology with the Nortel TDMA infrastructure. Without the results of that Nortel FOA, AWS' Phase II deployment efforts have been delayed in all Nortel markets across the AWS footprint.[13] Moreover, Qwest's delay in releasing Phase II E911 support pricing to requesting PSAPs has created additional uncertainty regarding AWS' ability to deliver Phase II E911 location information anywhere in the Qwest service area this year.[14]

BellSouth: AWS' Phase II E911 compliance efforts also are in jeopardy in markets within BellSouth's service area. BellSouth is insisting that wireless carriers pay a usage-based charge each time a PSAP requests location information from BellSouth's Automatic Location Identification ("ALI") database, in clear violation of the Commission's King County ruling.[15] Initially, BellSouth proposed a $0.63 "per dip" charge to wireless carriers, although it is now apparently proposing a $0.11 per dip charge.[16]

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12 s r of the Commission . le to Ensure Compatibility with Enhanced 911 Emergency (all g Systems, CC Docket No. 94-102, AT&T Wireless Services, Inc. Interim R t (fil Oct. 18, 20 ("I Report")

13 Interim Report at 4. As of the date of this report, the difficulties with the Nortel FOA have affected Phase II E911 p ut 4 SAPs d 90 cell it outside of the Qwest service area.

14 Interim Report at 4 (noting that inability of PSAPs and Qwest to participate in AWS' d FOA has plac into p Phase II deployments covering 71 PSAPs and 800 cell sites within the Qwest footprint).

15 See Letter from Thomas J. Sugrue, Chief, Wireless ti u, t fa R. I avis, E 1 Program Ma age Department of Information and Administrative Services, King County, Wa hi at 1 (May , 001) ("King C nty ("PSAP ... must bear the costs of maintaining and/or g g the 911 components and functionalities beyond the input to the 911 Selective Route including the ... t ti ti tifi ti (AI d t ...").

16 See Letter from Kathle B. Levitz, Vi side t Federal g l ry, ll Corporation, to Marlene H. Dortch, y, FCC, CC Docket No. 94 (Oct.1 2 (attaching V le 911 Phase 2 I Agreement noting that wireless service vi must "pay $0.11 per wireless 911 call, t direct, via the E2 Connectivity interface, ti information as a result of a SAP d for said) ").

Because BellSouth is insisting on collecting this impermissible charge, BellSouth and AWS are not likely to be able to finalize an interconnection agreement. The impact of the lack of an interconnection agreement on AWS' Phase II service implementation is uncertain at this time. BellSouth has agreed to allow AWS to proceed with a FOA at no charge. However, BellSouth has not indicated whether it will provide the required database and interface service at additional cell sites once the FOA is completed absent an interconnection agreement. This could have a dramatic impact on AWS' ability to deliver Phase II E911 location data in BellSouth's territory during the balance of 2002.[17]

SBC: Cost recovery and operational issues also pose potential obstacles to AWS' delivery of Phase II E911 information in SBC's territory. First, cost recovery disputes are ongoing between SBC and PSAPs in several jurisdictions. In Illinois, SBC-Ameritech filed and obtained approval of an interim tariff that contains a one time non-recurring charge for PSAPs. SBC-Ameritech also filed a permanent tariff that contains a per call charge to the PSAP of 12 cents. That tariff is still under consideration by the Illinois Commerce Commission and apparently is facing significant opposition from PSAPs and 911 agencies. In Michigan, a state trial court issued a Temporary Restraining Order ("TRO) on September 30,2002 that bars SBC-Ameritech from filing a wireless 911 tariff that would allow it to recover its cost from PSAPs for E911 Phase II service."

AWS is concerned that PSAPs and other 911 agencies may refuse to implement Phase II E911 service while these rate disputes are pending. Moreover, SBC is filing similar tariffs, which are likely to face similar opposition, in Ohio, Wisconsin, Arkansas, California, Kansas,

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[17] On October 28,2002, Thomas Sugrue issued a letter affirming that the costs associated with ALI database interface upgrades are not the responsibility of the wireless carrier. See Letter from Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, FCC, to Kathleen B. Levitz, Vice President-Federal Regulatory, BellSouth Corporation; Luisa Lancetti, Vice President Regulatory Affairs, Sprint PCS; John T. Scott, III, Vice President & Deputy General Counsel, Verizon Wireless, CC Docket No. 94-102 (Oct. 28,2002). As of the date of this report, it is unclear what actions BellSouth will take in response to this letter.

[18] See Letter from Jonathan J. Boynton, Associate Director – Federal Regulatory, SBC Communications, Inc., to Marlene H. Dortch, Secretary, FCC, CC Docket No. 94-102 (Oct. 3, 2002). On October 14,2002, the Michigan state court entered a preliminary injunction barring SBC-Ameritech from filing its retail tariff or carrier-to-carrier tariff with the state commission. See Letter from Jonathan J. Boynton, Associate Director – Federal Regulatory, SBC Communications, Inc., to Marlene H. Dortch, Secretary, FCC, CC Docket No. 94-102 (Oct. 28, 2002). A hearing in this case is scheduled for December 16,2002, at which time the judge will make a final ruling on this issue. Id.

Missouri, Nevada, Oklahoma, and Texas." If AWS' concerns regarding these tariff disputes prove to be founded, AWS' ability to deliver Phase II E911 location information in all of these states could be significantly delayed.

A potential operational issue also exists in SBC's territory. On August 28,2002, SBC stated that its Phase II E911 interface would be available for testing "on or about October 1."[20] SBC recently confirmed that the interface is, indeed, available for testing.[21] However, SBC has informed Intrado that it does not plan to permit general Phase II E911 deployments in its service area until November 2002, other than at existing FOA sites. AWS is therefore concerned that SBC's plan will impair AWS' ability to satisfy the TDMA Consent Decree's December 31, 2002 milestone.

Interoperability Issues: Before AWS can deploy Grayson's Phase II technology in its TDMA network, each vendor's TDMA infrastructure must be tested for interoperability with the Grayson systems. To date, FOA testing has been completed using Lucent TDMA infrastructure in St. Clair County, Indiana and Ericsson TDMA infrastructure in Nassau County, Florida. As a result, AWS and its vendors have been able to deploy Grayson equipment, in response to PSAP requests, in AWS' Lucent and Ericsson TDMA markets. As noted above, however, the issues surrounding Qwest's inability to support Phase II E911 service have delayed the Nortel TDMA FOAs originally scheduled for the Portland, Oregon area and elsewhere.[22]

In its August 1,2002 Quarterly Report, AWS indicated that it and its vendors were addressing an interoperability issue in the Ericsson switches located in former Telecorp markets.[23] As of October 24,2002, software has been loaded in all AWS Ericsson switches that,

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19 In its response to the Sugrue Letter, SBC stated that it would only provide Phase II service *if* one of the following was in place: (1) a permanent tariff, (2) an interim tariff, or (3) an individual case basis (ICB) contract. Letter to Marlene H. Dortch, Secretary, FCC, from Priscilla Hill-Ardoin, Senior Vice President, SBC Communications, CC Docket No. 94-102, Attachment at 5 (Response to Question 4) (filed Aug. 28,2002). AWS is concerned that SBC may refuse to support Phase II E911 service in these states if SBC is unable to get a permanent tariff, interim tariff, or ICB contract that includes SBC's proposed per call charge.

20 Id., Attachment at 2 (Response to Question 1.E.II).

21 Letter to Marlene H. Dortch, Secretary, FCC, from Jonathan J. Boynton, Associate Director – Federal Regulatory, SBC Communications, CC Docket No. 94-102 (filed Oct. 10, 2002).

22 See n. 13, supra.

23 Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, AT&T Wireless Services Inc. Quarterly Report, n.10 (Aug. 1,2002).

when activated as part of initial Phase II E911 deployment activities on each switch, will resolve this so-called "HCAS/NCAS issue."

Leasing and Zoning Issues: As noted in AWS' August 1,2002 Quarterly Report, AWS' ability to meet the December 31,2002 deployment milestone may also be affected by the need to install Angle-of-Arrival ("AOA) antennas at certain cell sites in addition to the Time Difference of Arrival ("TDOA") equipment being installed inside the cell-site enclosures.

Grayson has indicated that approximately eight percent of sites providing location information network-wide must be equipped with these new AOA antennas in order to meet the Commission's accuracy requirements. Installing AOA antennas, which are substantially larger than AWS' standard antennas,[24] often requires lease modifications and zoning approvals. In certain cases, installing an AOA antenna also requires that the tower be strengthened **or** replaced. Planning, permitting, and making such tower modifications can take a substantial amount of time.[25]

PSAP Readiness: AWS recently engaged Intrado to conduct an ongoing Phase II readiness review of each governmental agency[26] that has requested Phase II E911 service from

[24] The AOA antennas used in AWS' 850 MHz markets are approximately three feet by four feet, while those used in AWS' 1900 MHz markets are approximately one and one-half feet by four and one-half feet. As a general rule, structural and zoning issues increase as antenna size increases.

[25] To date, AWS has had the greatest success installing AOA antennas on cell sites located in rural areas. These sites are typically capable of handling the additional structural loads and often have a limited zoning impact due to their rural locations. AOA installations in suburban areas present greater challenges because most of these sites require some type of zoning process. In addition, suburban sites are typically incapable of supporting the added weight of AOA antennas, thereby requiring either structural modifications **or,** in some cases, pole replacements. Adding AOA antennas to urban cell sites also presents potential problems. In many cases, the existing antennas at these sites are designed to be inconspicuous in order to minimize landlord and neighborhood objections. Integrating AOA antennas into these existing urban cell sites often increases the site's visual impact, thereby creating potential zoning issues. Moreover, structural problems are frequently presented not only in mounting the AOA antennas on the buildings, but also in running the additional coaxial cabling through the building. See Letter from Douglas I. Brandon, Vice President – External Affairs, AT&T Wireless Services, Inc., to Thomas Sugrue, Chief, Wireless Telecommunications Bureau, FCC (July 13,2001) (on file with Federal Communications Commission).

[26] As noted in footnote 3, supra, AWS receives wireless E911 service requests from various governmental entities. Some requesting entities are a single PSAP, while others, such as the State of New Jersey, represent one hundred or more PSAPs. The PSAP readiness review process

AWS. AWS and Intrado undertook this endeavor not to determine whether certain PSAP requests were valid or invalid,[27] but rather to identify potential obstacles to successful deployment in advance in order to expedite their resolution.

During this readiness review process, Intrado obtains new information each week and also verifies earlier information regarding each PSAP's ability to receive Phase II E911 information. That information is then shared with the appropriate AWS TDMA deployment team and Grayson *so* that issues can be resolved wherever possible. As a result of this PSAP readiness review, AWS has learned that, despite their requests to AWS for Phase II service, a significant number of PSAPs and other requesting entities may not actually be able to receive and utilize Phase II data prior to December 31, 2002.[28] While AWS and its vendors plan to continue working with these PSAPs and integrating them into Phase II deployment schedules as soon as possible, AWS believes that its ability to deliver caller location data to PSAPs will be hindered by PSAP readiness issues through at least the first quarter of 2003.

PSAP Financial **Issues:** In addition to the ILEC and PSAP readiness issues discussed above, AWS also is concerned about the impact that state and local financial pressures are having on the ability of certain PSAPs to pay for upgrades necessary for Phase II service?' In states such as Oregon,[30] Virginia:' and New **York,**[32] state and local governments have diverted

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discussed above has attempted to uncover potential technical issues at the PSAP level wherever possible.

[27] See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Petition of City of Richardson, Texas, CC Docket No. 94-102, Order, FCC 01-293 (rel. Oct. 17,2001) ("Richardson"). While AWS does not currently use PSAP readiness as a basis for asserting that Phase II E911 requests are invalid, AWS reserves its right to do so, consistent with the Commission's rulings in Richardson.

[28] Intrado's ongoing research indicates that at least thirty percent of the PSAPs represented by AWS' Phase II requests may be unable to receive and utilize Phase II data because of ILEC, CPE, or other issues. While many of these determinations have not been confirmed by the individual PSAPs, on multiple occasions AWS has discovered PSAP readiness issues even when PSAPs have affirmatively stated that they **were** able to receive Phase II data.

[29] See Richardson at ¶14 (confirming PSAPs must have a funding mechanism in place for recovering its costs of facilities and equipment necessary to receive and utilize E911 data elements). While AWS does not currently use PSAP funding shortfalls as a basis for asserting that Phase II E911 requests are invalid, AWS reserves its right to do *so*, consistent with the Commission's rulings in Richardson.

[30] See William Glanz, Warner, Others Eye Phone-Tax Funds' Transfer, Washington Times, Oct. 29, 2002, at C8.

or are considering diverting wireless 911 surcharge funds to help alleviate budget crises. To the extent that the diverted funds would have been used to purchase Phase II E911 equipment and services for PSAPs from ILECs and other vendors, such legislative actions potentially threaten full Phase II E911 service deployment. Unless new revenue sources are found to replace the diverted funds, this threat could extend into successive fiscal years.

To date, a total of 20 PSAPs and other requesting entities have either withdrawn their Phase II E911 requests or asked that AWS place their requests into "suspended status due to their jurisdiction's budget issues. Unfortunately, in a number of cases, the withdrawal or suspension occurred after AWS had expended significant time, equipment, and capital in the affected areas.[33] AWS attempts to reclaim these unnecessarily deployed E911 resources where possible, but reclamation and subsequent redeployment consumes additional time and resources. While there is very little that AWS can do in these situations, the continued uncertainty regarding PSAP funding levels suggests that additional Phase II E911 service requests will be withdrawn by PSAPs, at least sporadically, through at least the first quarter of 2003.

II. AWS GSM Network

Phase I and Phase II Requests: This Report includes a list **of** all markets where AWS has launched GSM service and the date AWS began offering service in each market.[34] The Report also includes information on all pending requests **for** Phase I and Phase II E911 service in these markets, including the entity requesting service,[35] the date the request was received,[36] and

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31 Id.

32 See Division of State Police – Cellular Surcharge Revenues 2001-S-27, Office of the New York State Comptroller, at http://nvsosc3.osc.state.ny.us/audits/allaudits/093002/01s27.pdf (audit reveals that over $162 million in wireless 911 surcharges were collected by NY State Police since 1991, who "spent surcharge revenues on a wide variety of goods that do not appear to relate to cellular 911").

33 For example, the Phase II deployments in Oregon resulted in approximately **$5.8** million in AWS and vendor deployment costs as of the date that the Oregon Emergency Management agency requested that AWS suspend its Phase II deployment and integration efforts.

34 See exhibit 5.

35 As in previous quarterly reports, AWS has listed pending requests by "requesting entity" (which may include multiple PSAPs) and **has** listed activated PSAPs by requesting entity and by PSAP. AWS is utilizing this format because when it initially receives a request, it does not know whether each PSAP will actually be ready to receive service by the end of the six-month deployment period. AWS does not obtain this information until late in the deployment process, following call routing decisions by the requesting entity and related testing.

the status of the request." For Phase **I** PSAP requests that have been pending for over six months, AWS also has included the projected deployment date and a brief description of the reasons for the delay?'

Phase **II Service:** AWS has ordered equipment from Grayson to provide a network-based Phase II location solution for AWS' GSM network that is similar to the TDOA solution Grayson is providing for AWS' TDMA network. Grayson has informed the Commission that its technology satisfies the Commission's Phase II accuracy requirements.[39] As set forth in paragraph 9(c) of the GSM Consent Decree, AWS "is relying on vendor representations in agreeing to the deployment schedule set forth herein and for its belief that a network-based solution will satisfy the Commission's accuracy requirements."[40]

GSM Phase **II Rollout** Plan: Paragraph 9(g) of the GSM Consent Decree requires AWS to submit a Phase II rollout plan **for** its GSM network. AWS plans to add GSM TDOA capability to the equipment that has been and will be installed in its TDMA network through the use of dual TDMNGSM TDOA equipment. Doing so will require changes in its vendors' manufacturing and production processes as well as changes in AWS' deployment processes.

First, development of the GSM TDOA technology must be completed and the technology must undergo FOA testing in the AWS network.[41] AWS has identified a FOA site for GSM and expanded TDMA testing. Once FOA testing is completed and any open issues are resolved, the

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36 While AWS tracks PSAP requests based upon the date the request was received, AWS frequently receives requests for Phase II service in markets where AWS has not yet deployed GSM service. Under the FCC's rules, the six month deadline for responding to a PSAP request does not begin to run in a given GSM market until the date that AWS begins offering service there. See 47 C.F.R. § 20.18(a) (stating that service providers are subject to the FCC's 911 rules "solely to the extent that they offer real-time, two way switched voice service that is interconnected with the public switched network...") (emphasis added).

37 See exhibits 6, 7, and 8.

38 See exhibit 7. Under the GSM Consent Decree, AWS is not required to identify the reasons for any delay in providing service in response to a Phase II request or provide a projected deployment date until after April 30,2003. See GSM Consent Decree at ¶ 11(a).

39 See, e.g., Letter from Eliot J. Greenwald, Swidler Berlin Shereff Friedman, LLP, to William F. Caton, Acting Secretary, FCC, CC Docket No. 94-102, at 1 (March 26,2002); Letter from Eliot J. Greenwald, Swidler Berlin Shereff Friedman, LLP, to Magalie Roman Salas, Secretary, FCC, CC Docket No. 94-102, at 1 (May 7,2001).

40 GSM Consent Decree at ¶ 9(c).

41 See GSM Consent Decree at n. 9, ¶ 11(d).

vendor production processes must be modified to incorporate the GSM capability into the TDOA hardware and software.

Once these changes to the manufacturing process have been made, AWS and its vendors will install, activate, and integrate the dual TDMA/GSM TDOA equipment as follows:

1) Subject to LEC and PSAP readiness issues, the first dual TDMNGSM TDOA equipment that is available will be installed in cell sites serving PSAPs that do not currently have Phase II service.

2) When sufficient quantities of dual TDMNGSM TDOA equipment are available, all subsequent deployments will be completed with that dual air interface equipment.

3) At the same time that the dual TDMNGSM TDOA equipment is being installed, other members of the AWS deployment team will go back to the previously-installed TDMA-only sites and substitute the dual air interface equipment for the TDMA-only equipment at those sites. The dual air interface equipment will then need to be integrated with each PSAP.

In its entirety, the AWS GSM Phase II rollout plan is designed to complete the replacement of single-mode TDOA equipment by the fourth quarter of 2003, meeting the milestones set forth in the GSM Consent Decree.

GSM Compliance Plan: Paragraph 1 of Attachment A to the GSM Consent Decree requires AWS to appoint an E911 Compliance Officer to administer its E911 compliance program by November 8, 2002.[42] On October 31,2002, Peter White, Senior Corporate Counsel for AWS, was appointed to serve as E911 Compliance Officer and supervise AWS' compliance with the FCC's E911 rules and the GSM Consent Decree.

[42] GSM Consent Decree at Attachment **A,** ¶ 1.

As required by the TDMA Consent Decree and the GSM Consent Decree, a copy of this Report is being filed with the Chief of the Enforcement Bureau, the Chief of the Wireless Telecommunications Bureau, and the Executive Directors and Counsels of APCO, NENA, and NASNA, as well as the other staff listed below. If you have any questions, please contact the undersigned.

Sincerely,

Douglas I. Brandon - BTB

Douglas I. Brandon

Attachments

cc: David H. Solomon, Chief, Enforcement Bureau
Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau
John Ramsey, Executive Director, APCO
Robert M. Gurss, Counsel, APCO
Jim Goerke, Interim Executive Director, NENA
James R. Hobson, Counsel, NENA
Evelyn Bailey, President, NASNA

Bryan Tramont
John Branscome
Paul Margie
Samuel Feder

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Patrick Forster

Jennifer Tomchin
Lisa Fowlkes
Kathryn Berthot